

Message Text

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ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 OES-06 DHA-02 ACDA-10 OIC-02

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 AF-08 ARA-10 EA-09

EUR-12 NEA-10 DPW-01 SAJ-01 /141 R

DRAFTED BY L/OES:RJBETTAUER:MERS

APPROVED BY L/OES - RONALD J. BETTAUER

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P 271728Z JUL 76

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

UNCLAS STATE 185475

E.O. 11652: N/A

TAGS: ICRC, PARM, PFOR

SUBJECT: INTERNATIONAL HUMANITARIAN LAW

REFS: A) GENEVA 5916; B) STATE 182486; C) GENEVA 5984

1. THIS TEL TRANSMITS US CORRECTIONS TO RECENT SHIPMENT OF DOCUMENTS DISTRIBUTED BY DIPLOMATIC CONFERENCE ON REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL LAW APPLICABLE IN ARMED CONFLICTS. WE REQUEST YOU TO TRANSMIT THESE CORRECTIONS TO CONFERENCE SECRETARIAT (SEE PARA 1 OF REF B). AT SAME TIME, WE REQUEST YOU OBTAIN DOCUMENTS REQUESTED PARAS 3 AND 4 OF REF B; PARA 2 OF REF A SEEMED TO INDICATE MISSION WOULD AWAIT RECEIPT OF THESE DOCUMENTS AT MISSION IN NORMAL COURSE OF EVENTS, BUT WE THINK IT WOULD BE NECESSARY SPECIFICALLY TO REQUEST THEM FROM SECRETARIAT IF WE ARE TO OBTAIN THEM.

2. FOLLOWING ARE US CORRECTIONS:

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DOCUMENT CDDH/SR.33 - NO CORRECTIONS.

DOCUMENT CDDH/I/SR.60 - PAGE 6: REPLACE PARA 4 WITH FOLLOWING REVISION: QUOTE MR. BETTAUER (UNITED STATES OF AMERICA) SAID THAT ALTHOUGH HE UNDERSTOOD THE REASONS

BEHIND THE PHILIPPINE PROPOSAL, HE HAD THE STRONGEST RESERVATIONS ABOUT IT. SINCE NO RESTRICTIONS ON SPECIFIC WEAPONS HAD BEEN ADOPTED YET BY THE AD HOC COMMITTEE, COMMITTEE I SHOULD NOT INSERT A PROVISION ON THIS MATTER IN ARTICLE 74 AND THUS PREJUDGE EITHER THE WORK OR THE CONCLUSIONS OF THE AD HOC COMMITTEE. ADOPTION OF THE PHILIPPINE AMENDMENT WOULD JEOPARDIZE THE ACCEPTABILITY OF ARTICLE 74, IF NOT OF THE PROTOCOL AS A WHOLE. HE WAS THEREFORE FIRMLY OPPOSED TO THAT AMENDMENT. UNQUOTE.

DOCUMENT CDDH/I/SR.60 - PAGE 13: REPLACE THE FINAL PARAGRAPH WITH THE FOLLOWING: QUOTE MR. BETTAUER (UNITED STATES OF AMERICA) SAID THAT HE, TOO, THOUGHT THAT THE REPORT SHOULD MENTION THE PROBLEM AND THE WAY IN WHICH IT COULD BE DEALT WITH. THE PARAGRAPH INCLUDED ON THE SUBJECT SHOULD DRAW ATTENTION TO THE INTEREST THAT HAD BEEN AROUSED, IF NOT BY THE SUBSTANCE OF THE PROPOSAL, AT LEAST BY THE HUMANITARIAN CONCERN UNDERLYING IT. IT SHOULD NOT INDICATE THAT THE CONFERENCE NECESSARILY HAD TO TAKE UP THE PROBLEM AT ITS THIRD SESSION, BUT SHOULD NOTE THAT IT WOULD BE OPEN TO DELEGATIONS TO RAISE THE QUESTION AGAIN. UNQUOTE.

DOCUMENT CDDH/I/SR. 61 - NO CORRECTIONS.

DOCUMENT CDDH/I/SR.62 - THIS DOCUMENT WAS NOT RECEIVED, AND WE WILL SUBMIT ANY CORRECTIONS AFTER IT IS RECEIVED AND WE HAVE HAD TIME TO REVIEW IT.

DOCUMENT CDDH/I/SR. 63, SR.64, AND SR.65 - NO CORRECTIONS.

DOCUMENT CDDH/I/INF.231/REV.3 - PAGE 3: AT OPTION OF MISSION, LIST OF THE UNITED STATES OF AMERICA REPRESENTATIVES ON COMMITTEE I SHOULD BE CORRECTED BY ADDING UNCLASSIFIED

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NAME OF MR. RONALD CERRA.

DOCUMENT CDDH/II/SR. 79 AND SR. 80 - NO CORRECTIONS.

DOCUMENT CDDH/II/SR.81 - PAGE 3. LINE 12 SHOULD BE REVISED TO READ: QUOTE TO GIVE EVEN TO HIS OWN PARTY, THE INFORMATION IN QUESTION EXCEPT AS REQUIRED BY LAW. UNQUOTE. (THIS CORRECTION APPLIES TO REMARKS BY

MR. BOTHE OF THE FRG; SOLF OF USDEL HAS WRITTEN TO BOTHE TO INFORM HIM THAT WE THINK THIS CORRECTION NECESSARY.)

DOCUMENT CDDH/II/SR.81 - REMARKS OF MR. SOLF ON PAGE 9, TOP PARAGRAPH, SHOULD BE REVISED TO READ AS FOLLOWS:

QUOTE THE MOST DIFFICULT POINT AT ISSUE PERTAINS TO PROTECTION OF CIVIL DEFENSE UNITS AND PERSONNEL ON THE QUOTE BATTLEFIELD UNQUOTE. HE DID NOT AGREE THAT QUOTE ZONES OF MILITARY OPERATIONS UNQUOTE, WHICH HAD BEEN SUGGESTED BY SEVERAL DELEGATIONS, WAS PREFERABLE SINCE, TO HIS MIND, IT COVERED THE MILITARY AREA IN ITS BROADEST SENSE, FROM THE CONTACT ZONE THROUGH THE COMBAT ZONE AND EVEN THROUGH THE COMMUNICATIONS AREA. IT COULD EXTEND OVER WHOLE COUNTRIES. MOREOVER, IT PROVIDED NO GUIDANCE WHATSOEVER. SOME THOUGHT SHOULD THEREFORE BE GIVEN TO FINDING A NARROWER DEFINITION. HIS DELEGATION WAS PREPARED TO RECOMMEND TO ITS GOVERNMENT THAT IT ACCEPT PROVISIONS ON IMMUNITY FROM ATTACK IN CERTAIN CIRCUMSTANCES FOR MILITARY PERSONNEL WHO PERFORMED HUMANITARIAN FUNCTIONS RELATING TO CIVIL DEFENSE TASKS OUTSIDE THE BATTLEFIELD. IT IS THEREFORE ESSENTIAL THAT THE AREA WITHIN WHICH ARTICLE 55 IS APPLICABLE BE DEFINED WITH PRECISION AND THAT IT BE NO BROADER THAN NECESSARY. UNQUOTE.

DOCUMENT CDDH/II/SR.82 - NO CORRECTIONS.

DOCUMENT CDDH/III/SR.50-PAGE 2, PARAGRAPH 2, LINE 4 (UNDER QUOTE REMARKS ATTRIBUTED TO MR. ALDRICH UNQUOTE) SHOULD BE REVISED TO READ: QUOTE WORKING GROUP WAS NOT ABLE TO SUBMIT A TEXT OF ARTICLE 42 FOR ACTION BY THE COMMITTEE AT THIS SESSION. UNQUOTE (DELETED QUOTE TO UNQTE UNCLASSIFIED

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AFTER ARTICLE 42; INSERTED WORD QUOTE FOR ACTION BY UNQUOTE; AFTER THE WORD QUOTE COMMITTEE UNQUOTE INSERTED QUOTE AT THIS SESSION UNQUOTE.)

DOCUMENT CDDH/III/SR.51, SR.52, AND SR.53 - NO CORRECTIONS.

DOCUMENT CDDH/IV/SR.34 - PAGE 9, LINE 14 - REVISE AS FOLLOWS: QUOTE MR. ANDERSON (UNITED STATES OF AMERICA) COMPLIMENTED THE LEADERSHIP OF THE CHAIRMAN OF THE COMMITTEE. THEN, REPLYING TO A QUESTION UNQUOTE.

DOCUMENT CDDH/IV/SR.35 -PAGE 6, LINE 24 (MR. ANDERSON'S REMARKS) - REPLACE THE LINE WITH QUOTE QUESTION EXPRESSED BY THE SECOND. UNQUOTE

DOCUMENT CDDH/IV/SR.35 - PAGE 12, LINE 16 (MR. ANDERSON'S
REMARKS) - REPLACE THE LINE WITH: QUOTE MADE QUOTE A
RATHER TIMID START TO ITS WORK UNQUOTE; IF THAT STATEMENT
WERE NOT UNQUOTE. KISSINGER

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Margaret P. Grafeld
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